

Rec'd by _____

Date: _____

RECOMMENDATION OF THE
URBAN COUNTY PLANNING COMMISSION
OF LEXINGTON AND FAYETTE COUNTY, KENTUCKY

IN RE: **MAR 2013-4: STEVE & CATHY SNOWDEN** – petition for a zone map amendment from a Single Family Residential (R-1C) zone to a Neighborhood Business (B-1) zone, for 0.309 net (0.403 gross) acre, for property located at 708-712 Henry Clay Boulevard. (Council District 5)

Having considered the above matter on **February 28, 2013**, at a Public Hearing, and having voted **10-0** that this Recommendation be submitted to the Lexington-Fayette Urban County Council, the Urban County Planning Commission does hereby recommend **CONDITIONAL APPROVAL** of this matter for the following reasons:

1. The requested Neighborhood Business (B-1) zone is in agreement with the land use recommendation of the 2007 Comprehensive Plan for a portion of 712 Henry Clay Boulevard, since it is recommended for Retail Trade and Personal Services land use. This portion of the zone change will bring the existing parcel into one zoning category for consistency.
2. The 2007 and 2012 Goals and Objectives of the Comprehensive Plan are supportive of sustainable small neighborhood centers, which can provide for a better quality of life within the immediate area and reduce travel demands (Theme A.2.a. and A.3.b.).
3. The requested Neighborhood Business (B-1) zone, with conditional zoning restrictions, is more appropriate than the existing zoning for 708 Henry Clay Boulevard for the following reasons:
 - a. The adjoining neighborhood shopping center and the single-family residence share a gravel driveway. Additionally, there is no landscape buffer or other separation between the business and residential uses. Deliveries to the shopping center utilize the access point and driveway, as do solid waste service vehicles.
 - b. The requested B-1 zoning will allow for a landscape buffer to be installed along the southwest property line, and will permit an adequate service and delivery area to be installed to the rear of the existing shopping center rather than deliveries being made from the public right-of-way.
 - c. The requested B-1 zone will permit a small addition to the shopping center and the addition of off-street parking to accommodate the current and proposed use of the shopping center.
 - d. Shifting the R-1C zone line to the south approximately 50 feet will provide adequate space to allow buffering and maneuvering on the site for improved circulation; this will improve the quality of life for the residential properties that will remain in the area along Henry Clay Boulevard, Liberty Road and Clayton Avenue.
4. This recommendation is made subject to approval and certification of **ZDP 2013-16: Henry Clay Subdivision #2**, prior to forwarding a recommendation to the Urban County Council. This certification must be accomplished within two weeks of the Planning Commission's approval.
5. **Under the provisions of Article 6-7 of the Zoning Ordinance, only the following use restrictions are recommended via conditional zoning for the subject property:**

Prohibited Uses

- a. Automobile service stations.

- b. Tattoo parlors.
- c. Miniature golf courses.
- d. Carnivals and circuses, even on a temporary basis.
- e. Community centers.
- f. Drive-through facilities.
- g. Outdoor live entertainment.

Landscaping and Lighting Restrictions

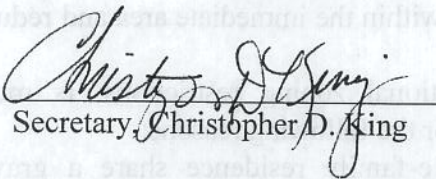
- a. A landscape buffer shall be installed along the southwest and southeast property lines, which shall adhere to the Article 18 zone perimeter screening requirements, with the addition of 3-foot shrubs located between any required trees.
- b. No pole lighting may be installed on the subject property; however, ground-level lighting, lighting for pedestrian paths and sidewalks and indirect lighting shall be permitted.

Signage Restrictions

- a. No free-standing signs shall be erected within 25' of a residential zone.
- b. No directional signs shall be installed within 20' of a residential zone.

These restrictions are appropriate and necessary in order to ensure that the subject property can be appropriately buffered and to limit the intensity of the land use nearest to residential uses at the edge of an existing residential subdivision.

ATTEST: This 15th day of March, 2013.


Secretary, Christopher D. King

MIKE OWENS
CHAIR

Note: The corollary development plan, ZDP 2013-16: Henry Clay Subdivision #2, was approved by the Planning Commission on February 28, 2013, and certified on March 14, 2013.

K.R.S. 100.211(7) requires that the Council take action on this request by May 29, 2013.

At the Public Hearing before the Urban County Planning Commission, this petitioner was represented by **Richard Murphy, attorney.**

OBJECTORS

- Caren Caton, 313 Henry Clay Boulevard

OBJECTIONS

- She is concerned about the possibility of setting a precedent that would allow additional business zoning in the neighborhood.

VOTES WERE AS FOLLOWS:

AYES: (10) Beatty, Berkley, Blanton, Brewer, Cravens, Mundy, Owens, Plumlee,
Roche-Phillips, Wilson

NAYS: (0)

ABSENT: (1) Penn

ABSTAINED: (0)

DISQUALIFIED: (0)

Motion for CONDITIONAL APPROVAL of MAR 2013-4 carried.

Enclosures: Application
Plat
Staff Report
Applicable excerpts of minutes of above meeting